

HOUSE BILL REPORT

SSB 6419

As Passed House - Amended:

March 3, 2004

Title: An act relating to implementing the requirements of the Help America Vote Act.

Brief Description: Implementing the Help America Vote Act.

Sponsors: By Senate Committee on Government Operations & Elections (originally sponsored by Senators Roach, Kastama, McAuliffe, Oke and Winsley; by request of Secretary of State).

Brief History:

Committee Activity:

State Government: 2/24/04, 2/26/04 [DPA];

Appropriations: 2/28/04 [DPA(APP w/o SG)s].

Floor Activity:

Passed House - Amended: 3/3/04, 96-0.

Brief Summary of Substitute Bill (As Amended by House)

- Creates a centralized state voter registration list.
- Initiates a state grant program for voting projects by local governments.
- Allows provisional ballots for court-ordered voting after the scheduled conclusion of voting.
- Establishes times and methods for disabled voting.
- Establishes an administrative complaint procedure for elections.

HOUSE COMMITTEE ON STATE GOVERNMENT

Majority Report: Do pass as amended. Signed by 9 members: Representatives Haigh, Chair; Miloscia, Vice Chair; Armstrong, Ranking Minority Member; Shabro, Assistant Ranking Minority Member; Hunt, McDermott, Nixon, Tom and Wallace.

Staff: Matt Kuehn (786-7291).

HOUSE COMMITTEE ON APPROPRIATIONS

Majority Report: Do pass as amended by Committee on Appropriations and without amendment by Committee on State Government. Signed by 26 members: Representatives Sommers, Chair; Fromhold, Vice Chair; Sehlin, Ranking Minority Member; Pearson, Assistant Ranking Minority Member; Alexander, Anderson, Boldt, Buck, Chandler, Clements, Cody, Conway, Cox, Dunshee, Grant, Hunter, Kagi, Kenney, Kessler, Linville, McDonald, McIntire, Miloscia, Ruderman, Sump and Talcott.

Staff: Holly Lynde (786-7153).

Background:

The Help America Vote Act of 2002 (HAVA) was passed by the United States Congress and signed into law in October of 2002. HAVA is a response to the 2000 Presidential General Election, in particular the irregularities that emerged in Florida.

Traditionally the administration of elections has been a state and local issue. Washington, like other states, left the administration of elections to the various counties and localities. While the Secretary of State (Secretary) is the chief state election official, the counties and the county auditors are the entities most directly involved in the election process.

In the years leading up to the 2000 election, in many counties across the country, the voter rolls had grown to unmanageable levels, creating problems with ensuring the accuracy of the registration lists. This led to duplicate registrations, and inconsistent policies for the manner of canceling registrations.

The 2000 election was further complicated by a lack of procedures for administrative complaints or for polls being kept open by court order. The confusion over these issues, as well as aging equipment that denied full voting participation by disabled registered voters led to the passage of HAVA.

Summary of Amended Bill:

This bill addresses the areas of Washington state law that are changed to comply with HAVA. It creates or amends several aspects of the election process.

Voter Registration Issues

The Secretary creates and operates a single, centralized, computer database which contains the name and registration information of every registered voter in the state. At a minimum, the database must comply with federal HAVA restrictions, identify duplicate registrations and simplify the verification processes for checking registrations. The centralized list is the official list for verification rather than the county lists, and only voters appearing on the centralized list are eligible to vote in an election. The centralized list must coordinate with the databases of other state agencies.

In addition to the statewide database, the bill changes some other registration requirements. Because of the database, the secretary becomes responsible, or joins in responsibility, for many of the duties that were held solely by the county auditors. These responsibilities include

checking for deceased individuals or felons on the voter rolls, an ongoing program of checking for duplicate registrations, checking petition signatures and the issuance of various registration notices.

When a court has imposed a guardianship for an incapacitated person and the judge has determined that the incapacitated individual is incompetent for voting purposes, the incompetent individual's voting registration is cancelled. Notice of the cancellation is sent to the county auditor, and the voter is removed from the centralized database.

For each voter, a unique identifying number is created. The centralized list of voters is accessible to local election officials, but ultimate control over the list resides with the Secretary, not with the county auditors or other local election officials. A state or local election official who uses or alters the centralized voter database in a manner inconsistent with their position is guilty of a class C felony.

To register to vote, the minimum amount of identification that must be offered is a Washington driver's license, a Washington state identification card, or the last four digits of a prospective voter's social security number. In cases where the prospective voter signs under oath that he or she has none of these forms of identification, a unique voter registration number may be given to the voter. Furthermore, age and citizenship boxes must now be checked by a registering voter.

Individuals whose voter registrations are cancelled because of a felony conviction must be sent a notification of the cancellation to their last known address.

The Secretary must review the technological issues of voter registration transferral with the information services board.

Local Government Grant Program

The Secretary is instructed to establish a competitive local government grant program along with an advisory committee to determine rules and criteria for the awarding of the grants. The membership and size of the advisory committee is left to the Secretary.

A non-exclusive list of desirable projects to be considered for grants is included. The projects are all voting related, with an emphasis on local modernization. The Secretary-selected advisory committee will review the proposals and make a prioritized list of projects to be considered for grant funding. The bill requires that the review and prioritization take place by May 18, 2004. The committee will review and prioritize annually, with the third Tuesday in May remaining the deadline.

Disability Access

Voting access for disabled voters is changed. Specific dates, locations and hours for disabled voting must be designated by the county auditor. In-person voting at disabled access sites may take place as early as 20 days prior to the primary or election, and may end the day before a primary, general or special election. The end of the disabled voting period will depend on the county auditor's ability to print and distribute poll books.

Regulations on behavior of voting officials at the disabled voting location, and regulations regarding the transfer of ballots to counting centers are established as well.

The Secretary must review the technological issues of voting systems for the disabled with the information services board.

Administrative Complaint Procedure

The administrative complaint procedure required by the federal HAVA legislation is adopted by the state. The procedure will be permitted in all general elections, special elections and primaries.

Provisional Ballots

In the event of a court, state or federal order which extends the official poll closing time, ballots are to be segregated. Where an order to extend poll hours has been made, the ballots made pursuant to the order will be segregated from those made in the course of the original polling hours.

Appropriation: None.

Fiscal Note: Available.

Effective Date of Amended Bill: The bill takes effect 90 days after adjournment of session in which bill is passed.

Testimony For: (State Government) (Information only) Unique identifying numbers are a new part of voter registration requirements.

Testimony For: (Appropriations) None.

Testimony Against: (State Government) None.

Testimony Against: (Appropriations) None.

Persons Testifying: (State Government) (Information only) Jeff Wise, Office of the Secretary of State.

Persons Testifying: (Appropriations) None.

Persons Signed In To Testify But Not Testifying: (State Government) None.

Persons Signed In To Testify But Not Testifying: (Appropriations) None.